

[Doc. No. 45]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

DENNIS SHARPE and MARYANN
SHARPE,

Plaintiffs,

v.

SEATRADE GRONINGEN, BV
SHIPPING COMPANY, et al.,

Defendants.

Civil No. 08-1702 (NLH/AMD)

ORDER

THIS MATTER having come before the Court by way of motion [Doc. No. 45] of Plaintiffs, seeking an order requiring Defendants "Lombok Strait" Schiffahrtsgesellschaft mbH & Co. KG, Hamburg and Triton Schiffahrts GmbH, to provide responses to Plaintiffs' request for production of documents; and the Court having considered the moving papers; and the Court having decided this matter pursuant to FED. R. Civ. P. 78; and

THE COURT NOTING that Local Civil Rule 37.1(a) provides:

Counsel shall confer to resolve any discovery dispute. Any such dispute not resolved shall be presented by telephone conference call or letter to the Magistrate Judge. This presentation shall precede any formal motion.

L. Civ. R. 37.1(a) (1); and

THE COURT FINDING that counsel for Plaintiffs has not requested a conference with the Court in accordance with Local

Civil Rule 37.1(a)(1) in connection with the present discovery dispute. The Court shall therefore deny without prejudice the motion to compel Defendants to respond to Plaintiffs' request for production of documents.

CONSEQUENTLY, for good cause shown,

IT IS on this 16th day of November 2009,

ORDERED that Plaintiffs' motion [Doc. No. 45] to compel shall be, and hereby is, **DENIED WITHOUT PREJUDICE**; and it is further

ORDERED that counsel shall appear for a telephone conference on **November 30, 2009 at 9:30 A.M.**. Counsel for Plaintiffs shall initiate the telephone call.

s/ Ann Marie Donio

ANN MARIE DONIO
UNITED STATES MAGISTRATE JUDGE

cc: Hon. Noel L. Hillman